

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 23-0600 JGB (SHKx)**Date **March 19, 2024**Title ***Ernie Calhoon v. State Bar of California, et al.***Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE****MAYNOR GALVEZ**

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: Order to Show Cause re Dismissal for Lack of Prosecution
(IN CHAMBERS)**

On April 4, 2023, plaintiff Ernie Calhoon (“Plaintiff”) filed a complaint against defendants State Bar of California (“State Bar”), Supreme Court of California, Courts of Appeals, Superior Courts, judicial Branches, and Does 1-500 (collectively, “Defendants”). (“Complaint,” Dkt. No. 1.)

On July 3, 2023, Plaintiff filed a “proof of service” as to the State Bar—however, the State Bar was not properly served. (See Dkt. Nos. 10, 13.) On September 5, 2023, the Court ordered Plaintiff to file a first amended complaint no later than September 11, 2023. (Dkt. No. 23.) On September 11, 2023, Plaintiff filed a first amended complaint against Defendants. (“FAC,” Dkt. No. 24.)

On September 25, 2023, defendants Courts of Appeal, Superior Courts, and Supreme Court of California (collectively, “Judicial Branch Defendants”) filed a motion to dismiss Plaintiff’s FAC. (“MTD,” Dkt. No. 29.) On January 18, 2024, the Court granted the MTD and dismissed the FAC as to the Judicial Branch Defendants. (“MTD Order,” Dkt. No. 45.)

On January 30, 2024, summons was issued for the FAC as to the State Bar. (“Summons,” Dkt. No. 48.)

On March 7, 2024, the Court issued an order to show cause why Plaintiff has failed to timely serve the State Bar. (“OSC,” Dkt. No. 53.) On March 15, 2024, Plaintiff filed two responses to the OSC—they appear to be the same document. (“OSC Response,” Dkt. Nos. 54, 55.) Plaintiff states that he has properly served the State Bar and that he “will provide the proof and take default if necessary.” (Response at 2.) It is not clear to the Court whether Plaintiff properly served the State Bar in compliance with the Federal Rules of Civil Procedure. To date, Plaintiff has not filed a proof of service with the Court, as required by Federal Rule of Civil Procedure 4(l)(1) and Local Rule 5-3.1.2. See Fed. R. Civ. Proc. 4(l)(1) (“Unless service is waived, proof of service must be made to the court.”); L.R. 5-3.1.2 (requiring a declaration of the person accomplishing the service).

The Court finds Plaintiff’s OSC Response insufficient and will afford Plaintiff one more opportunity to provide the Court with a valid proof of service of the State Bar no later than **March 27, 2024**. Moreover, in the event that Plaintiff files a valid proof of service and the State Bar fails to timely answer, Plaintiff is ordered to file a valid request for default no later than 7 days after the time the response to the FAC would have been due. **Failure to timely or adequately respond to this Order will result in the dismissal of this action in its entirety.**

IT IS SO ORDERED.